

## REMARKS

Claims 1-22 were considered by the Examiner. Claims 1-22 stand rejected by the Examiner. Claims 1-22 are pending, and are believed to be allowable over the references cited by the Examiner as discussed below.

### Claim Rejections under 35 USC Sec. 103

Claims 1, 5, 7-9, 11-12, 17-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dewan (USPN 7,043,008).

#### Claim 1

1. A method, comprising the steps of:  
detecting voice activity on at least one of a receive and a transmit channel in a communications system;  
outputting voicing decision outputs based on the step of detecting;  
storing the voicing decision outputs over a period of time to memory; and  
generating a voice activity performance metric based on the voicing decision output stored in the memory.

Claim 1 teaches a method including detecting voice activity on at least one of a receive and a transmit channel in a communications system, and outputting voicing decision outputs based on the step of detecting. The method further includes storing the voicing decision outputs over a period of time to memory, and generating a voice activity performance metric *based on the voicing decision output* stored in the memory.

Dewan does not teach outputting voicing decision outputs based on the detection of voice activity. On page 4 of the current final Office Action, Examiner states that Dewan discloses a

system detecting variations in frequency and/or amplitude of a speech signal and monitors the conversations for deviations in frequency and/or amplitude falling outside a threshold range.

The plain meaning of the phrase “voicing decision output”, and as used in the Specification, is a decision whether there is voice or no voice, i.e., an output indicating whether a user is speaking or whether the user is not speaking. Voicing decision outputs are discussed, for example, in the Specification at paragraph [0023], lines 6-7. Applicant respectfully submits that while Dewan may be capable of detecting voice activity by monitoring the amplitude and/or frequency of the monitored signals, nowhere does Dewan teach outputting *outputs indicating whether the user is speaking or not speaking*. Rather, Dewan monitors the amplitude and/or frequency of the monitored signals related to the emotional state of the caller based on whether conversations deviate from a baseline value outside a threshold range. Dewan, Abstract at line 8. Nowhere does Dewan teach or suggest that the emotional state of the caller is based on whether the user is speaking or not speaking. Applicant respectfully submits that the Examiner has not cited where in Dewan that Dewan teaches outputting voicing decision outputs of whether the user is speaking or not speaking based on the detecting of voice activity.

Since Dewan does not teach outputting voicing decision outputs, it follows that Dewan does not teach storing the voicing decision outputs over a period of time in memory.

Finally, since Dewan does not teach outputting voicing decision outputs and does not teach storing the voicing decision outputs over a period of time in memory, it follows that Dewan does not teach generating voice activity performance metrics based on the voicing decision outputs (i.e., whether the user is speaking or not speaking over a period of time) stored in the memory. Whatever analysis is performed by Dewan, it is performed on the monitored signal, not on voicing decision outputs stored in memory.

On page 4, numeral 4, of the current final Office Action, Examiner states that storing voicing decision outputs would allow the supervisor to track information of what type of voicing signal triggered the recording of the telephone conversations. As discussed above, Applicant

respectfully submits that Examiner has not set forth where Dewan teaches outputting voicing decision outputs indicating whether there is voice or no voice. Furthermore, Applicant respectfully submits that in Dewan, it is already known what type of signal triggers the recording of the telephone conversations, which is whether the amplitude and/or frequency values of the monitored signals fall outside a threshold range defined by base values plus or minus a calculated or predetermined value. Dewan at Col. 3, lines 11-24. Furthermore, Applicant respectfully submits that Dewan does not teach or suggest recording of telephone conversations based on whether there is voice or no voice in the monitored signal.

Thus, Applicant respectfully submits that the Examiner has not established a prima facie case for rejecting claim 1 by failing to cite where Dewan teaches at least 3 of the 4 elements of claim 1. Therefore, it is respectfully submitted that claim 1 is patentable over Dewan. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 1.

#### Claim 12

12. A system, comprising:

- a voice activity detector (VAD) configured to detect voice activity on at least one of a receive and a transmit channel in a communications system;
- a memory to store outputs from the VAD; and
- a voice activity analyzer in communication with the memory, the voice activity analyzer being configured to generate a performance metric based on the VAD outputs stored in the memory.

Claim 12 teaches a system including a voice activity detector (VAD), a memory to store outputs from the VAD, and a voice activity analyzer. The VAD is configured to detect voice activity on at least one of a receive and a transmit channel in a communications system. The voice activity analyzer is configured to generate a performance metric based on the VAD outputs stored in the memory.

Dewan does not teach a VAD to detect voice activity or no voice activity. There is no mention of a VAD or detecting voice activity. Rather, Dewan teaches a system that monitors the amplitude and/or frequency of the monitored signals. Dewan at Col. 3, lines 10-15.

Consequently, Dewan does not teach storing outputs from the VAD, or generating a performance metric *based on the VAD outputs*. Rather, Dewan identifies changes in emotion of the parties *based on variations in frequency and amplitude of the voice signals*, not based on the VAD output. Dewan at Col. 1, lines 64-66. Furthermore, since Dewan is only concerned with identifying changes in emotion of the parties based on frequency and amplitude of the voice signals, it would not be obvious to modify Dewan to include a VAD detect voice activity or no voice activity.

Therefore, it is respectfully submitted that claim 12 is patentable over Dewan. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 12.

Claims 5, 7-9, 11, 17-20, and 22

Claims 5, 7-9, 11, 17-20, and 22, which depend variously from independent claims 1 and 12, are believed to be allowable for at least similar reasons as those discussed above. Withdrawal of the rejection of claims 5, 7-9, 11, 17-20, and 22 under 35 U.S.C. §103(a) is respectfully requested.

Claims 2-4, 6, 10, 13-16, and 21

Claims 2-4, 6, 10, 13-16, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dewan in view of Maloney et. al. (USPN 5,696,811).

However, Maloney does not make up for the deficiencies of Dewan discussed above. Because claims 2-4, 6, 10, 13-16, and 21 are dependent variously from independent claims 1 and 12, they are also believed to be allowable for at least similar reasons as those discussed above.

Withdrawal of the rejection of claims 2-4, 6, 10, 13-16, and 21 under 35 U.S.C. §103(a) is respectfully requested.

### CONCLUSION

In view of the above amendments and remarks, allowance of the pending claims is respectfully requested.

Respectfully submitted,

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